

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLARENCE ROUSE,

Plaintiff,

-against-

**AMENDED
JUDGMENT**

THE CITY OF NEW YORK, POLICE OFFICER
CHRISTOPHER LOPEZ SHIELD # 017692, and
POLICE OFFICER STEVEN LOPEZ SHIELD #
011248, the two individual officers are sued in their
capacity as individuals,

22-CV-02195 (JPO)

Defendants.

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WHEREAS, Plaintiff commenced this action by filing a complaint on March 15, 2022,
alleging that Defendants violated Plaintiff's rights under the federal constitution and state law;
and

WHEREAS, on September 15, 2023, pursuant to Rule 68 of the Federal Rules of Civil
Procedure, defendants, and any defendant who is currently or subsequently named and hereafter
represented by the Office of the Corporation Counsel in this action, offered to allow plaintiff
Clarence Rouse to take a judgment against the City of New York in this action for the total sum
of One Million Five Hundred Thousand and One (\$1,500,001.00) Dollars, plus reasonable
attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims; and

WHEREAS, on September 15, 2023, Plaintiff accepted the September 15, 2023 Rule 68
Offer of Judgment;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

THAT:

1. This judgment is in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

2. The Offer of Judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages.

3. Plaintiff's acceptance of the offer of judgment acts to release and discharge defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff arising out of the facts and circumstances that are the subject of this action.

4. Plaintiff's acceptance of the offer of judgment operates to waive Plaintiff's rights to any claim for interest on the amount of the judgment.

5. Plaintiff's acceptance is in agreement that payment of One Million Five Hundred Thousand and One (\$1,500,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Clarence Rouse is a Medicare recipient who

received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date Plaintiff submits to counsel for defendants a final demand letter from Medicare.

6. By acceptance of the Rule 68 Offer of Judgment, plaintiff Clarence Rouse agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Clarence Rouse further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

This Amended Judgment corrects and supersedes the Judgment entered on the docket on October 23, 2023. This Amended Judgment shall be the final judgment in this case.

SO ORDERED.

November 30, 2023



J. PAUL OETKEN
United States District Judge